

**COMMITTEE AMENDMENT FORM**

**DATE 02/27/13**

**COMMITTEE FINANCE/EXECUTIVE**

**PAGE(S) \_\_\_\_\_**

**ORDINANCE I.D. 13-O-0323**

**SECTION(S) CAPTION, 3<sup>RD</sup>**

**WHEREAS AND SECTION 9**

**RESOLUTION I.D.# \_\_\_\_\_**

**PARAGRAPH(S) \_\_\_\_\_**

**AMENDMENT: AMENDS THE LEGISLATION BY CORRECTING THE ADDRESS**  
**FROM 134 PEACHTREE STREET, NE TO 130 PEACHTREE STREET, NE, AND TO**  
**ADD THE PARCEL IDENTIFICATION NUMBER, IN THE CAPTION AND THE 3<sup>RD</sup>**  
**WHEREAS, TO ADD PROJECT 111097 (STREETCAR PHASE 1) FUNDING SOURCE 11995**  
**(STREETCAR ADID) 11996 (STREETCAR AURA) 91993 (STREETCAR COA) IN THE**  
**CAPTION AND SECTION 9 AND EXHIBIT A**

**COMMITTEE AMENDMENT FORM**

**DATE 02/27/13**

**COMMITTEE FINANCE/EXECUTIVE**

**PAGE(S) \_\_\_\_\_**

**ORDINANCE I. D.# 13-O-0323**

**SECTION(S) 4**

**RESOLUTION I.D. #- \_\_\_\_\_**

**PARAGRAPH(S) \_\_\_\_\_**

**AMENDMENT: AMENDS SECTION 4: THAT THE CHIEF PROCUREMENT**  
**OFFICER, HIS DESIGNEE OR CONSULTANT, IS AUTHORIZED TO SETTLE**  
**THOSE ACQUISITIONS OF THE PROPERTY AT AN AMOUNT NOT TO EXCEED**  
**TWENTY PERCENT (20%) OR FIVE HUNDRED AND 00/100 DOLLARS**  
**(\$500.00), WHICHEVER IS GREATER, ABOVE THE ESTIMATED JUST**  
**COMPENSATION FOR THE PROPERTY.**

**AN AMENDED ORDINANCE BY  
FINANCE/EXECUTIVE COMMITTEE**

**AN AMENDED ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT EASEMENTS, AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 130 PEACHTREE STREET, NE., CITY OF ATLANTA, FULTON COUNTY, GEORGIA (PARCEL IDENTIFICATION NUMBER 14-0078-0012-073-1) FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS PURSUANT TO THE METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4, ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR)PROJECT 111097 (STREETCAR PHASE 1) FUNDING SOURCE 11995 (STREETCAR ADID) 11996 (STREETCAR AURA) 91993 (STREETCAR COA); AND FOR OTHER PURPOSES.**

**WHEREAS**, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar, the first phase of which will span 2.7 miles in downtown Atlanta (“Project”), it is necessary for the City of Atlanta, Georgia (“City”) to acquire certain easements, property and rights-of-way from private property owners; and

**WHEREAS**, Ordinance 12-O-0568 adopted by City Council on May 21, 2012, and approved by operation of law on May 30, 2012, authorized the Chief Procurement Officer (or his designee or consultant) to negotiate and settle temporary or permanent construction easements, rights-of-way and other related property interests necessary to complete construction of the Project and waived Sections 2-1541(d) and 2-1545(d) of the City’s Code of Ordinances (“Code”) requiring further authorization of City Council in connection with three identified parcels of property; and

**WHEREAS**, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified that certain parcel of real property with an address of 130 Peachtree Street, NE, City of Atlanta, Fulton County, Georgia and a parcel identification number of 14-0078-0012-073-1 (“Property”), for which an easement or right-of-way is required; and

**WHEREAS**, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Atlanta Downtown Improvement District and the Metropolitan Atlanta Rapid Transit Authority (“MARTA”), authorized by Atlanta City Council Ordinance 11-O-0327, MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

**WHEREAS**, to facilitate the timely purchase of easements and the necessary rights-of-way from the various property owners, MARTA shall procure the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, MARTA's procurement process as established by Section 14 of the MARTA Act, the MARTA by-laws, and applicable MARTA policies and procedures, are being utilized for the procurement of the contractor(s) who will provide the appraisals and appraisal reports in connection with any real property interests required to facilitate construction and development of the Project; and

**WHEREAS**, the Official Code of Georgia ("O.C.G.A.") Section 32-3-4 authorizes the use of a declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes; and

**WHEREAS**, O.C.G.A. Section 32-3-6 requires a finding by a municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

**WHEREAS**, use of declaration of taking as a method of condemnation would expedite the acquisition of the property rights necessary for the timely completion of this Project which involves road and transportation improvements; and

**WHEREAS**, in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests in connection with the Project, the requirements of Sections 2-1541(d) and 2-1545(d) of the City Code that requires further authorization from City Council for the acquisition of easements and real property described in this Ordinance should be waived.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**, as follows:

**SECTION 1:** That the Chief Procurement Officer (or his designee or consultant) is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions and environmental reports for the purpose of acquiring easements and the necessary rights-of-way to complete construction of the Project for the Property.

**SECTION 2:** That the Chief Procurement Officer is authorized to use the procurement process of MARTA for the purpose of procuring the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the Procurement and Real Estate Code.

**SECTION 3:** That the Chief Procurement Officer (or his designee or consultant) is hereby authorized to negotiate with each Property owner to acquire easements and the necessary rights-of-way to complete construction of the Project.

**SECTION 4:** That the Chief Procurement Officer, his designee or consultant, is authorized to settle those acquisitions of the Property at an amount not to exceed ten percent (20%) or Two Hundred Fifty and 00/100 Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Property.

**SECTION 5:** That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of City Council for the acquisition of easements and real property described in this Ordinance are waived.

**SECTION 6:** That the City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with the Property, with the assistance of the Chief Procurement Officer (or his designee or consultant).

**SECTION 7:** That the use of declaration of taking as a method of condemnation be utilized, pursuant to O.C.G.A Section 32-3-4, if necessary, to expedite the acquisition of any property or property right necessary for the timely completion of the Project, without further authorization from the Atlanta City Council when the Chief Procurement Officer (or his designee or consultant) is unable to negotiate a settlement with the affected property owners pursuant to Sections 3 and 4 above.

**SECTION 8:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to acquire any property right deemed necessary in connection with this Project, in accordance with the laws of the State of Georgia.

**SECTION 9:** That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar) Project 111097 (STREETCAR PHASE 1) Funding Source 11995 (STREETCAR ADID) 11996 (STREETCAR AURA) 91993 (STREETCAR COA).

**SECTION 10:** That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only and only to the extent of the conflict.

**SECTION 11:** That this Ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.



**Finance Executive Committee  
Atlanta City Council  
February 27, 2013**

**Atlanta Streetcar Project  
Real Estate Acquisitions Legislation**

Ordinance	Parcel ID	Address	Owner	Property	Right of Way (SF)	Permanent Easement (SF)	Temporary Easement (SF)	Purpose	OCS FDN/ Basement Conflict
13-O-0321	14-0078-0007-083-7	0 Luckie Street	Luckie Street Prop LLC	Turner COP Stop	1193	0	803	Sidewalk reconstruction, OCS poles	
13-O-0322	14-0078-0013-017-7	127 Peachtree Street	REM Associates L P	The Candler Building				Attachment	Yes
13-O-0323	14-0078-0012-073-1	130 Peachtree Street	Grand Prix Atlanta, LLC	Residence Inn				Attachment	Yes
13-O-0324	14-0051-0007-043-2	133 Peachtree Street	Koch RP Holdings I, LLC	Georgia Pacific Corp	0	153	326	PE - Streetcar stop, TCE - sidewalk reconstruction	
13-O-0325	14-0078-0012-094-7	150 Carnegie Way	Atlanta Exchange, LLC	Lanier Parking Garage				Attachment	Yes
13-O-0326	14-0078-0012-104-4	150 Carnegie Way	Peachtree Carnegie, LLC	Lanier Parking Garage				Attachment	Yes
13-O-0327	14-0078-0007-085-2	168 Luckie Street	Tabernacle Group LLC	The Tabernacle	1959	0	1592	Roadway realignment, sidewalk reconstruction, driveway reconstruction, OCS poles	
	14-0078-0007-084-5	152 Luckie Street							
13-O-0328	14-0051-0007-037-4	133 Peachtree Street	GA-MET (formerly Georgia Pacific)	Georgia Pacific	0	0	72	OCS pole construction	

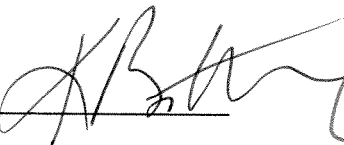
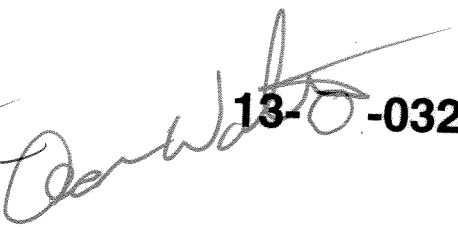
\*All items are subject to revisions as the design progresses.

URS Real Estate Exhibit Sheet#	Address <sup>1</sup>	Owner <sup>2</sup>	Property <sup>3</sup>	COA Mitigation	URS Mitigation	Construction Date	Approx STA	Right of Way (Sf)	Permanent Easement (Sf)	Temporary Easement (Sf)	Priority	Purpose	Status
RW101	91 Peachtree St. <sup>4</sup>	City of Atlanta	Woodruff Park	None	None	4/5/2013	101+25	0	100	1210	No ROE required	PE - OCS Poles and roadway widening TCE - sidewalk reconstruction	
N/A	23 Park Pl	Panther Place LLC	Panther Place LLC	ROE	Resequesting	4/5/2013	105+75	236	0	140	OCS, New curb location, sidewalk reconstruction. John L. discussing ROE with Russ.	New curb location, sidewalk reconstruction and an OCS pole	Plats submitted. Currently under OCS design revision due to basement and utility conflicts
RW102	212 Edgewood Ave	Mahin Tabatabai	B & T Real Estate Investors	ROE	Resequesting	7/30/2013	130+05	0	0	231	Sidewalk reconstruction for ADA - across the street from the alignment	Sidewalk reconstruction	
RW102	207 Edgewood Ave	Edgewood Holdings, LLC	Anarc Edgewood Clinic	ROE	Resequesting	7/30/2013	129+95	0	0	24	Sidewalk reconstruction - on the same side of the street as the alignment	Sidewalk reconstruction	
RW103	246 Edgewood Ave	Board of Regents of the University System of Georgia	URB of Georgia LLC	ROE	Resequesting	7/30/2013	132+75	0	0	46	Sidewalk reconstruction for ADA - across the street from the alignment	Sidewalk reconstruction	
	REMOVED												
RW104	346 Edgewood Ave	Mang Nguyen	Nguyen Mang	ROE	Resequesting	2/21/2013	141+85	0	0	43	Sidewalk reconstruction for ADA - across the street from the alignment	Sidewalk reconstruction	
RW104	345 Edgewood Ave	MPR Holdings, LLC	GG White LLC	ROE	Resequesting	2/21/2013	141+85	0	0	15	Sidewalk reconstruction - on the same side of the street as the alignment	Sidewalk reconstruction	
RW105	400 Edgewood Ave	400 Edgewood LLC	Four Hundred Edgewood LLC	ROE	Resequesting	2/27/2013	148+25	0	0	103	Sidewalk reconstruction - on the same side of the street as the alignment	Sidewalk reconstruction	
RW106	91 Pryor St	N/A <sup>5</sup>	Georgia Department of Transportation	ROE	Resequesting	9/10/2013	156+00	0	0	177	New curb location, sidewalk reconstruction on the alignment.	New curb location, sidewalk reconstruction	
RW107	133 Peachtree St	Georgia Pacific Corporation	Georgia Pacific Corp et al.	ROE & Condemnation	Resequesting	3/13/2013	201+80	0	0	72	OCS pole construction	OCS pole construction	
RW107	133 Peachtree St	Koch RP Holdings I, LLC <sup>7</sup>	Georgia Pacific Corp et al. <sup>7</sup>	ROE & Condemnation	Resequesting	3/13/2013	202+60	0	153	326	PE - Streetcar stop, TCE - sidewalk reconstruction	PE - Streetcar stop, TCE - sidewalk reconstruction	
RW107	171 Peachtree St	MARTA	Georgia Pacific Corp	ROE	None	3/13/2013	203+25	0	396	385	PE - OCS poles & OCS wiring & Streetcar stop TCE - sidewalk reconstruction	PE - Streetcar stop, OCS poles, & OCS wiring TCE - sidewalk reconstruction	
	171 Peachtree St	MARTA	Kiosk	COA Law Dept. Revocable License Agreements	None	3/13/2013			78	0	OCS pole	OCS pole	
RW108	265 Park Ave West <sup>8</sup>	State of Georgia	Centennial Olympic Park	Revocable License Agreements	None	8/1/2013	219+50	0	0	803	OCS poles, Sidewalk reconstruction	Sidewalk reconstruction, OCS poles	Plats submitted
N/A	133 Luckie St. <sup>10</sup>	Lukie Street Prop LLC	Lukie Street Prop LLC	Condemnation	Resequesting	8/1/2013	220+25	1193	0	288		OCS pole, sidewalk reconstruction	Traffic signal mast arm is located on OCS pole, need clarification on easement
RW108	180 Techwood Dr	State of Georgia	Centennial Olympic Park	Revocable License Agreements	None	8/1/2013	221+15	0	148			Roadway realignment, sidewalk reconstruction, driveway reconstruction, OCS poles	Plats submitted
N/A	168 Luckie St	Tabernacle Group LLC	Tabernacle Group LLC	Condemnation	Resequesting	8/5/2013	222+50	1959	0	1592		Sidewalk reconstruction	Plats submitted
RW109	30 Forsyth St	Toyoko Inn Atlanta LLC	Selig Enterprises Inc	ROE	Resequesting	9/3/2013	233+75	0	0	143		Driveway closure	Plats submitted
N/A	394 Auburn Avenue	Wheat St. Charitable Foundation	Wheat Street Driveway	ROE & Condemnation	Resequesting	4/9/2013		.02 acre					Plats submitted

Total	3388	875	5598
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AN ORDINANCE

BY

C. T. Martin   **13-0-0323**

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT EASEMENTS, AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 134 PEACHTREE STREET, N.E., CITY OF ATLANTA, FULTON COUNTY, GEORGIA FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS PURSUANT TO THE METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4, ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.

**WHEREAS**, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar, the first phase of which will span 2.7 miles in downtown Atlanta ("Project"), it is necessary for the City of Atlanta, Georgia ("City") to acquire certain easements, property and rights-of-way from private property owners; and

**WHEREAS**, Ordinance 12-O-0568 adopted by City Council on May 21, 2012, and approved by operation of law on May 30, 2012, authorized the Chief Procurement Officer (or his designee or consultant) to negotiate and settle temporary or permanent construction easements, rights-of-way and other related property interests necessary to complete construction of the Project and waived Sections 2-1541(d) and 2-1545(d) of the City's Code of Ordinances ("Code") requiring further authorization of City Council in connection with three identified parcels of property; and

**WHEREAS**, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified that certain parcel of real property with an address of 134 Peachtree Street, N.E., City of Atlanta, Fulton County, Georgia ("Property"), for which an easement or right-of-way is required; and

**WHEREAS**, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Atlanta Downtown Improvement District and the Metropolitan Atlanta Rapid Transit Authority ("MARTA"), authorized by Atlanta City Council Ordinance 11-O-0327, MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

**WHEREAS**, to facilitate the timely purchase of easements and the necessary rights-of-way from the various property owners, MARTA shall procure the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, MARTA's procurement process as established by Section 14 of the MARTA Act, the MARTA by-laws, and applicable MARTA policies and procedures, are being utilized for the procurement of the contractor(s) who will provide the appraisals and appraisal reports in connection with any real property interests required to facilitate construction and development of the Project; and

**WHEREAS**, the Official Code of Georgia ("O.C.G.A.") Section 32-3-4 authorizes the use of a declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes; and

**WHEREAS**, O.C.G.A. Section 32-3-6 requires a finding by a municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

**WHEREAS**, use of declaration of taking as a method of condemnation would expedite the acquisition of the property rights necessary for the timely completion of this Project which involves road and transportation improvements; and

**WHEREAS**, in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests in connection with the Project, the requirements of Sections 2-1541(d) and 2-1545(d) of the City Code that requires further authorization from City Council for the acquisition of easements and real property described in this Ordinance should be waived.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**, as follows:

**SECTION 1:** That the Chief Procurement Officer (or his designee or consultant) is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions and environmental reports for the purpose of acquiring easements and the necessary rights-of-way to complete construction of the Project for the Property.

**SECTION 2:** That the Chief Procurement Officer is authorized to use the procurement process of MARTA for the purpose of procuring the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the Procurement and Real Estate Code.

**SECTION 3:** That the Chief Procurement Officer (or his designee or consultant) is hereby authorized to negotiate with each Property owner to acquire easements and the necessary rights-of-way to complete construction of the Project.



**SECTION 4:** That the Chief Procurement Officer (or his designee or consultant) is authorized to settle the acquisition of the Property at an amount not to exceed twenty percent (20%) or Five Hundred and 00/100 Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Property. The Chief Procurement Officer is authorized to settle, without further authorization of City Council, the acquisition which exceeds this limit.

**SECTION 5:** That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of City Council for the acquisition of easements and real property described in this Ordinance are waived.

**SECTION 6:** That the City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with the Property, with the assistance of the Chief Procurement Officer (or his designee or consultant).

**SECTION 7:** That the use of declaration of taking as a method of condemnation be utilized, pursuant to O.C.G.A Section 32-3-4, if necessary, to expedite the acquisition of any property or property right necessary for the timely completion of the Project, without further authorization from the Atlanta City Council when the Chief Procurement Officer (or his designee or consultant) is unable to negotiate a settlement with the affected property owners pursuant to Sections 3 and 4 above.

**SECTION 8:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to acquire any property right deemed necessary in connection with this Project, in accordance with the laws of the State of Georgia.

**SECTION 9:** That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar).

**SECTION 10:** That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only and only to the extent of the conflict.

**SECTION 11:** That this Ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** \_\_\_\_\_

**Caption:**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT EASEMENTS, AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 134 PEACHTREE STREET, N.E., CITY OF ATLANTA, FULTON COUNTY, GEORGIA FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS PURSUANT TO THE METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4, ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.**

**Council Meeting Dates:** February 18, 2013 (1<sup>st</sup> read) & March 4, 2013 (final action)

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to authorize the Chief Procurement Officer to purchase certain permanent easements and acquire real property located at 134 Peachtree Street, N.E., Atlanta, Fulton County, Georgia, for the purpose of installing certain improvements in connection with the Atlanta Streetcar Project, and to authorize the Mayor, or his designee, to negotiate with affected property owners and to have the legal authority to use all means necessary to acquire necessary property interests up to and including condemnation proceedings pursuant to the method authorized by O.C.G.A Section 32-3-4.

## **2. Please provide background information regarding this legislation.**

The City must timely acquire certain permanent easements and necessary rights-of-way from various property owners for construction of the Atlanta Streetcar Project, a public transportation project. The design-build contractor for the Project has identified 134 Peachtree Street, N.E., Atlanta, Fulton County, Georgia, as a certain parcel for which a permanent easement or right-of-way is required. While MARTA shall procure the contractor responsible for providing the necessary appraisal and appraisal reports to facilitate the acquisitions, time is of the essence. As such, the City must utilize all available resources in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests. O.C.G.A. 32-3-4 authorizes the use of a declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes. Further, O.C.G.A. 32-3-6 requires a finding by a municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government. The authority to use of declaration of taking as a method of condemnation is required to expedite the acquisition of the property rights necessary for the timely completion of this Project. The intended public transportation use will be of great public benefit to the immediate community or area in which the real property is situated and not be harmful to the property's landmarks or features.

## **3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

## **4. Fund Account Center:**

## **5. Source of Funds:**

## **6. Fiscal Impact:**

## **7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: Yolanda Williams-Favors**